

REPORT - PLANNING COMMISSION MEETING
January 27, 2005

Project Name and Number: Fremont Hospital (PLN2005-00092)

Applicant: Michael Smith, Cuschieri-Horton Architects

Proposal: Conditional Use Permit Amendment

Recommended Action: Approve, based on findings and subject to conditions

Location: 39001 Sundale Drive in the Central Business District

Assessor Parcel Number(s): 501-1110-038, 501-1110-039

Area: Lot Size – 3.9 acres, Existing Buildings – 47,952 sq. ft.

Owner: BHC Fremont Hospital, Inc.

Agent of Applicant: Same as Applicant

Consultant(s): Michael Smith, Architect, Cuschieri-Horton Architects

Environmental Review: Categorically Exempt per Section 15301, Existing Facilities, of CEQA Guidelines

Existing General Plan: Central Business District

Existing Zoning: C-B-D, Central Business District

Existing Land Use: Hospital, Medical Offices, Parking

Public Hearing Notice: A total of 834 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Walnut Avenue, Langdon Common, Sundale Drive, Bidwell Drive, Fremont Boulevard and Leslie Street. The notices to owners and occupants were mailed on January 14, 2005. A Public Hearing Notice was delivered to The Argus on January 10, 2005 to be published by January 14, 2005.

Executive Summary: The applicant is requesting an amendment to Conditional Use Permit 85-8, originally approved in 1985, to increase the number of beds at Fremont Hospital from 80 to 96. To accommodate the increase in number of beds the applicant is also proposing to improve a vacant portion of the site into a parking lot with 34 new parking spaces. Associated landscaping, storm drainage and circulation improvements (striping and speed humps) are also proposed.

Background and Previous Actions: Use Permit 85-8 was approved on August 8, 1985 for the development of a 140 bed, 65,000 square foot behavioral medicine hospital, commonly known as Fremont Hospital. An approximate 8,000 square foot medical office building was also approved. An amendment to the Use Permit, U-85-8A, was approved on September 11, 1986 to reduce the number of hospital beds from 140 to 80 and also reduce the overall square footage of the hospital and office building to approximately 49,000 and 7,000 square feet, respectively. A second amendment, U-85-8B was approved on July 13, 1989 for architectural design modifications to the office building.

Project Description: Fremont Hospital is proposing to increase the number of permitted beds at the hospital from 80 to 96. These beds will be located on the first floor within the existing building. Non-critical administrative functions will be relocated to the nearby medical office building to make space for the beds. The applicant proposes interior tenant improvements to accommodate the new patient rooms, bathrooms and associated facilities. No exterior modifications are proposed to the hospital, nor is any work proposed on the second or third floors of the hospital.

The applicant is also proposing to improve a vacant portion of the site into a parking lot to accommodate staff, patients and visitors related to the increased number of beds. The proposed parking lot will be located in the northwest portion of the site. A new drive aisle will extend from the existing parking and circulation area to the new lot. A dead-end parking lot is proposed with 34 parking spaces. Adequate turn-around space will be provided at the end of the lot. New landscaping in the form of shrubs, groundcover and trees will be installed around the perimeter, and at the south end of the lot. A bio-swale will be installed along the east edge of the lot to treat stormwater prior to it entering the storm drain system. New street trees will also be provided along Sundale Drive. The applicant is also proposing to strengthen the pedestrian circulation on site by providing a direct pedestrian connection from the front entrance of the Hospital to Sundale Drive.

PROJECT ANALYSIS:

General Plan Conformance: The existing General Plan land use designation for the project site is Central Business District. The proposed project is consistent with the existing General Plan land use designation for the project site because medical uses are permitted in the Central Business District. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Land Use Policy 2.4: Allowed uses for the CBD include medical uses and hospitals.

The project conforms to this policy because the medical nature of the use is not changing.

Land Use Policy 2.7: Site design and building development in the CBD shall be oriented towards pedestrian and transit.

Land Use Policy 2.8: CBD developments shall provide safe, convenient and continuous pedestrian walkways linking building entrances to streets, sidewalks and crossings...

The project conforms to these policies because a new pedestrian circulation system will be strengthened by striping a connection through the existing circulation area and providing a new sidewalk linking the front entrance of the Hospital to Sundale Drive and the bus stop located on Sundale.

Zoning Regulations: The site is zoned CBD, Central Business District. The project conforms to the zoning district because medical uses are permitted in the CBD. The existing use is a legal, conforming use in the zoning district. The new parking lot also conforms to the zoning ordinance in terms of number of spaces, space size/dimensions, setbacks and landscaping.

Parking: Hospitals generally require one parking space per one and one-half beds. Medical office buildings require one space per 200 square feet of floor area. The existing hospital requires 53 parking spaces (80 beds/1.5), and the existing medical office building requires 34 spaces (6,887 s.f./200) for a total of 87 spaces currently required. The existing site provides 76 parking spaces which results in a deficiency of 12 spaces.

The addition of 16 beds requires an additional 11 spaces, which, in addition to the 12 spaces that are currently lacking, requires 23 new spaces. The total requirement for the project is 98 parking spaces. The addition of 34 parking spaces in the new lot will result in an overall net increase of 29 spaces and a total of 105 parking spaces on site.

Open Space/Landscaping: The project exceeds minimum landscape requirements for the proposed parking lot, where nine trees are required fourteen are provided. The project also meets street tree requirements by installing five new street trees along Sundale Drive. Landscape planters and setbacks also conform to requirements and include new groundcover and shrubs.

Waste Management: Fremont Hospital has existing trash facilities that are adequate, however, a new roof will be constructed over the trash enclosure. A Demolition and Construction Debris Plan and Report will also be required prior to building permit or demolition permit issuance, and has been included as a condition of approval.

DESIGN ANALYSIS:

Architecture: No modifications to the existing architecture are proposed.

Site Planning: The project site plan will generally not change. New striping and speed humps will be installed in the circulation area near the front entrance of the hospital. A new sidewalk will also be installed along the east edge of the medical office building to Sundale Drive.

The primary change to the site will occur in the northwest corner where the new parking lot will be installed. The parking lot meets all code requirements and will improve the site by transforming a vacant area into needed parking. Staff encouraged the applicant to decrease parking space length and increase planter size to allow cars to overhang by two feet. This reduced the area of pavement needed and increased pervious surfaces to facilitate storm water treatment and reduce overall flow. A bio-swale will be installed along the east edge of the lot to treat storm water prior to entering the storm drain system.

Landscaping: The applicant is proposing new landscaping around the perimeter of the new parking lot, and between the parking lot and Sundale Drive in the form of trees, groundcover and shrubs. Canary Island Pines and Chinese Pistache are the two tree species proposed around the perimeter of the parking lot. A small berm with trees, shrubs and groundcover are proposed between the parking lot and Sundale Drive for screening. Needlepoint Ivy is proposed in the bio-swale that will be located along the east side of the parking lot. The applicant is also proposing five new streets along Sundale Drive to satisfy the street tree requirement along the project frontage. Proposed street trees are indicated as American Sweetgum, however, per City Landscape Architect review these trees will be changed to Red Maples. (Condition #A-17)

City Landscape Architect Review of Proposed Tree Removal and Preservation: The applicant is retaining a number of mature trees located throughout the site. The area where development is proposed contains 24 mature trees identified on the "Tree Exhibit Plan L-2". No trees are proposed for removal. Some trees will require tree protection measures during construction in accordance with the City Tree Protection requirements.

View Impacts: No views will be impacted by the project.

ENGINEERING ANALYSIS:

Circulation/Access: Site access and circulation will remain generally unchanged with the exception of the new parking lot, and a new pedestrian pathway. A new access point will be provided to link an existing drive aisle to the new lot. Although the new parking lot has been designed with a dead end, "No Parking" areas will be striped to provide ample turn around space. A new direct pedestrian pathway will also be created from the front entrance of the hospital to Sundale Drive. An existing landscape planter near the front entrance will be reconfigured to accommodate the new pathway. Two new speed humps will also be installed in the vicinity of the front entrance to help calm traffic.

Grading & Drainage: Minimal site grading will be necessary for the new parking lot. All grading activities will conform to the City's Grading Ordinance and be further reviewed through the Development Organization review process.

Urban Runoff Clean Water Program: The applicant will be required to conform to the City's Urban Runoff Clean Water Program requirements. Conditions of approval are included to reflect this requirement.

ENVIRONMENTAL ANALYSIS:

The proposed project has been reviewed under the California Environmental Quality Act (CEQA) Guidelines and has been found to be exempt under Section 15301 (Existing Facilities).

Response from Agencies and Organizations: No agencies or organizations have commented on this project.

APPLICABLE FEES:

Development Impact Fees: This project may be subject to Citywide Development Impact Fees. These may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

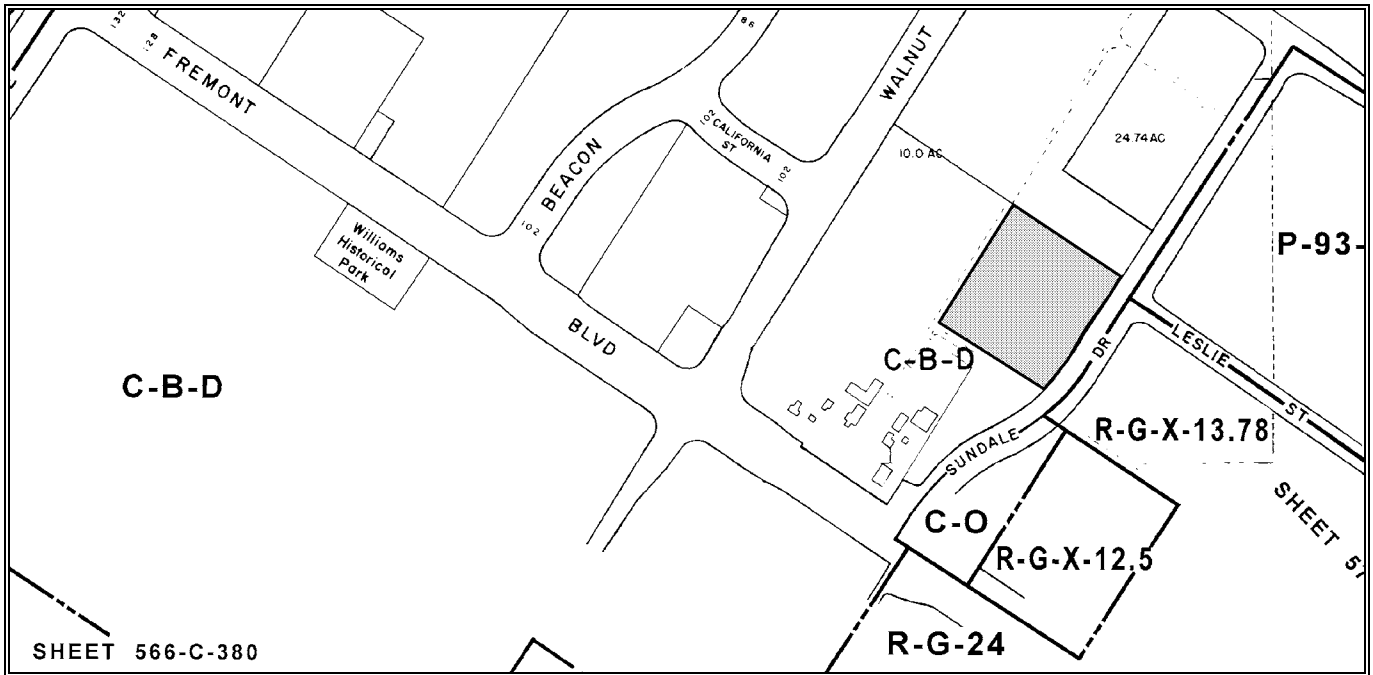
ENCLOSURES: Exhibit "A" Site Plan, Floor Plans, Landscape Plan
Exhibit "B" Findings and Conditions of Approval
Applicant's Statement (Informational)

EXHIBITS: Exhibit "A" Site Plan, Floor Plans, Landscape Plan
Exhibit "B" Findings and Conditions of Approval

Recommended Actions:

1. Hold public hearing.
2. Find that PLN2005-00092 is exempt from further California Environmental Quality Act review pursuant to Guidelines Section 15301 (Existing Facilities).
3. Find that PLN2005-00092 is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report. The project conforms to the goals and policies as enumerated in the staff report and the Findings recommended herewith.
4. Approve PLN2005-00092, as shown on Exhibit "A", subject to findings and conditions in Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

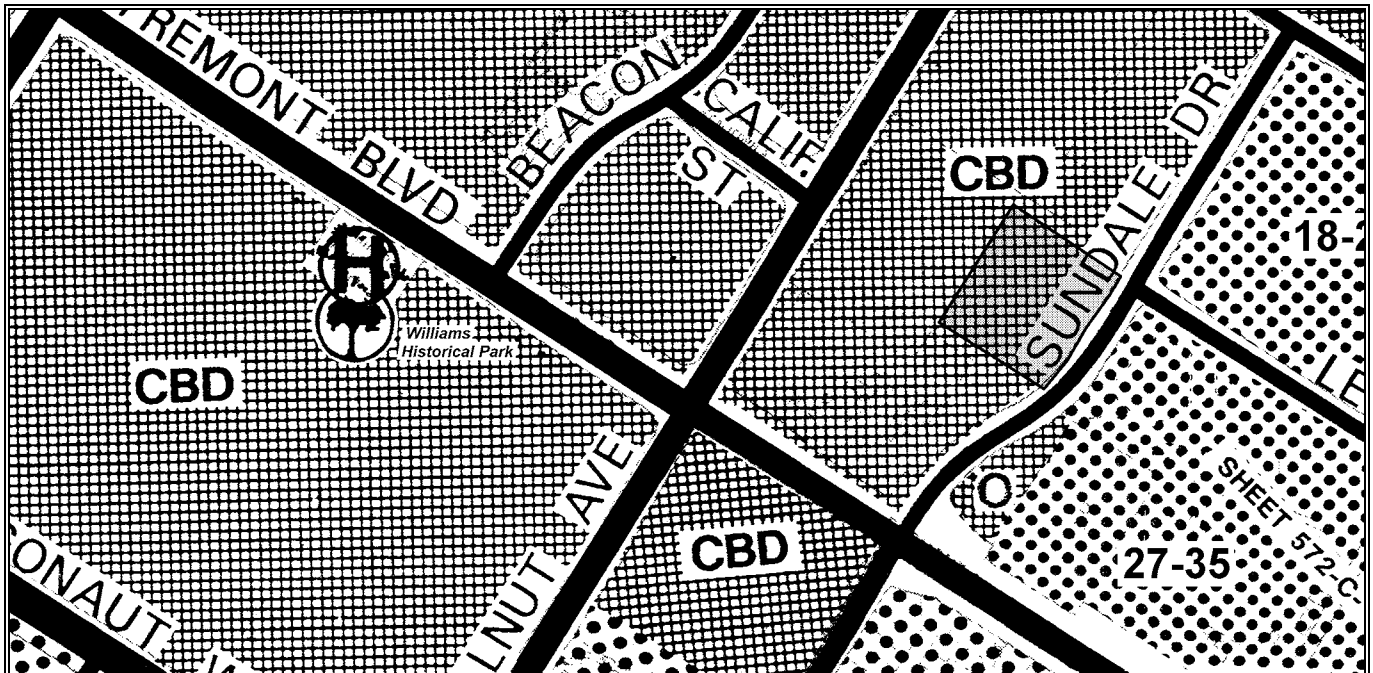


EXHIBIT "B"

Fremont Hospital - PLN2005-003092 39001 Sundale Drive

FINDINGS FOR APPROVAL:

The findings below are made on the basis of information presented at the public hearing contained in the staff report to the Planning Commission dated January 27, 2005, incorporated herein.

1. The proposed expansion of use is consistent with the General Plan of the City of Fremont because the medical use is permitted with a conditional use permit approval on property designated Central Business District on the Fremont General Plan.
2. The proposed expansion of use would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, the planned level of service of the street system or on other public facilities or services because points of ingress-egress are properly located, right-of-way improvements are in place and pedestrian access is provided.
3. The proposed expansion of use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the proposed improvements are designed in a manner to be compatible with the surrounding uses, and would not create nuisances or degrade the environment.
4. The site is suitable and adequate for the proposed uses because it is conditionally permitted within the zoning district and is large enough to accommodate the proposed addition.
5. The proposed expansion of use would not have a substantial adverse economic effect on nearby uses because the use is conditionally permitted in a Central Business District zoning district and is appropriate for the proposed location.
6. The design of the project is compatible with existing and proposed development in the district and its surroundings because the proposed location of the parking lot is vacant, and no other exterior work is proposed.

CONDITIONS OF APPROVAL:

- A-1. This Amendment to Conditional Use Permit U-85-8 approves the addition of 16 beds to the Fremont Hospital to increase the total number of beds from 80 to 96. This amendment also approves a new parking lot with 34 parking spaces in the northwest portion of the site. This Amendment supersedes the original use permit and includes the original applicable conditions of approval.
- A-2. The project shall conform to Exhibit "A" (Site Plan, Floor Plans, Landscape Plan).
- A-3. The location of the building, driveways, and parking areas shall be provided as shown on Exhibit "A". Landscaping and walkways shall generally be provided in the amounts and locations as shown on Exhibit "A", provided, however, that minor modifications to the location and design of the proposed building, landscaping, parking areas and other elements of the above exhibit may be allowed, subject to the review and approval of the Assistant City Manager, if such modifications are in keeping with the architectural design theme.
- A-4. Plans shall be submitted to the **Development Organization** for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-5. If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.

- A-6. Should parking for the proposed project adversely impact public roadways or adjacent uses, the use permit shall be brought back to the Commission for additional review. The Commission may recommend measures to mitigate the adverse effects.
- A-7. This project and subsequent building permit approval shall be subject to all requirements of the California Fire Code. Tenant improvements plans for the addition shall include the appropriate changes to the fire alarm and fire sprinkler system. The applicant shall also request a License update from the State per State Form 850.
- A-8. This facility shall comply with all requirements of the Fire Department prior to occupancy of the building with regard to fire safety, including the installation of an automatic fire extinguishing system (AFES), a smoke detection system with 24 hour monitoring, and special panic hardware for doors. The facility shall also use only non-combustible or flame retardant decorative materials within the interior spaces.
- A-9. The applicant shall maintain a trash and recycling enclosure for the development and shall provide a cover for the enclosure. No other area shall drain to the enclosed area. Trash enclosures are to be designed to accommodate any City-mandated recycling facilities, subject to review and approval of staff during the Development Organization review process.
- A-10. Trash and recyclables enclosure areas shall be maintained free of litter and any other undesirable materials. Recyclable materials shall not be allowed to accumulate such that a visual or public health and safety nuisance is created.
- A-11. The applicant shall submit a Demolition and Construction Debris Plan and Report to the Environmental Services Department prior to demolition permit and/or building permit issuance.
- A-12. A landscape plan shall be submitted to the Development Organization or the with Final Map Improvement Plans, or both, as directed by the City Landscape Architect, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of open areas. As part of the landscape plans the applicant shall submit:
- a) An underground irrigation plan.
 - b) Weed control specifications.
 - c) A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d) Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate to the project.
- A-13. All on site trees are to be preserved as identified on sheet "Tree Exhibit Plan" L-2. The applicant shall work with staff during the Development Organization review to ensure that tree preservation measures are in accordance with the Tree Preservation Requirements of the Landscape Development Requirements and Policies (LDRP). This may require modification to the location and design of paving, curbs and utility structures.
- A-14. All planting areas containing trees shall be free of all Utility Structures (including light standards and landscape storm-water pipes and catch basins). Clearances between Utilities and Trees shall conform to SD-34 City Standard Street Tree Clearances.
- A-15. Per FMC 8-22009 parking areas adjacent to perimeter require one (1) tree per every three (3) parking spaces. These trees shall be large canopy trees located in planters free of inorganic material with a minimum 6' wide area in any direction (i.e., interior planter width, not including curbs, to be minimum 6'). Applicant shall provide minimum six feet wide planters for all parking lot trees.
- A-16. The applicant shall provide landscaping within bio-swales, grassy swales and detention ponds in compliance with NPDES standards subject to staff review during the development organization review period. Trees shall not be planted in the flow line of the swale. Any hydro-seeded plant material shall be fully established prior to building occupancy.

- A-17. Applicant shall provide (5) 24" Box size *Acer rubrum* Street Trees (instead of Liquidamber styracifua) planted in the planting strip along Sundale Drive in locations shown on the Exhibit "Landscape Concept Plan" L-1. Street trees shall conform to City Standard Tree Planting Detail, SD-34.
- A-18. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect.
- A-19. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- A-20. A landscape plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:
- a. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - b. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - c. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
 - d. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 - e. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design. Examples of IPM principles and techniques include:
 1. Select plants that are well adapted to soil conditions at the site.
 2. Select plants that are well adapted to sun and shade conditions at the site. Consider future conditions when plants reach maturity. Consider seasonal changes and time of day.
 3. Provide irrigation appropriate to the water requirements of the selected plants.
 4. Select pest- and disease-resistant plants.
 5. Plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 6. Use "insectary" plants in the landscaping to attract and keep beneficial insects.
- A-21. Landscaping shall also comply with the City of Fremont Water Conservation for New Developments, Resolution No. 7866.
- A-22. Site lighting shall be arranged and directed so it does not to create glare or spill beyond the property line.
- A-23. Driveway and travel aisles shall be provided with adequate width and turning radii to provide unobstructed access for trash, recycling collection and emergency vehicles.
- A-24. The site circulation and parking shall be further reviewed for conformance with Article 20 of the Fremont Municipal Code during Development Organization Review and approval.
- A-25. Any signage will be subject to the separate review of the Development Services staff and shall follow the requirements as set forth in the Fremont Municipal code, Article 21, Sign Regulation. The applicant shall apply to Development Services for the appropriate permits.

- A-26. The project may be subject to Citywide Development Impact Fees. The fees include fire protection, capital facilities and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected at time of building permit issuance.
- A-27. Any fee, dedication, reservation or other exaction shall be deemed imposed on the date this application was deemed complete for processing (December 29, 2004).
- A-28. The applicant shall be hereby notified that the 90-day period in which the applicant may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Government Code Section 66020, it will be legally barred from later challenging such exactions.
- A-29. The City of Fremont shall promptly notify the applicant of any claim, action, or proceeding to attach, set aside, void, or annul its approval and shall cooperate fully in the defense thereof.

Conditions to be Complied with During Construction:

- B-1. Construction activities shall be limited to the following hours of operation:
7 a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. Saturday
No construction permitted on Sunday
- B-2. The applicant is responsible for insuring that all contractors are aware of all storm water quality measures.

Prior to Release of Building for Occupancy:

- C-1. The project architect/engineer shall submit a letter to the City certifying the building has been constructed in conformance to the approved architectural plan, subject to the review and approval of the Assistant City Manager.
- C-2. The project engineer-of-record shall submit a letter to the City certifying the site grading and drainage are in conformance with the approved grading and drainage plan subject to the review and approval of the Assistant City Manager.
- C-3. All public and private storm drain inlets are to be stenciled "No Dumping - Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, CA. Color and type to be approved by the City Engineer.

Operational Maintenance:

- D-1. If the Assistant City Manager finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health, and/or welfare of users of adjacent or approximate property, or have a substantial adverse impact on public facilities or services, the Assistant City Manager may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.
- D-2. The property owner is responsible for contracting with recycling brokers for regular pick-up of recyclable materials. Recyclable materials should not be allowed to accumulate such that visual or public health or safety nuisance is created.
- D-3. The property owner shall be responsible for litter control and sweeping of all on-site paved surfaces. All on-site storm drains are to be cleaned immediately before the commencement of the rainy season (October 15).
- D-4. The applicant is responsible for the maintenance of all landscaping, and landscaping shall be designed with efficient irrigation to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides and pesticides which can contribute to urban runoff pollution.

- D-5 In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement for the long-term operation and maintenance of on-site stormwater treatment measures. The agreement shall be recorded against and run with the land.

Engineering Conditions:

- E-1. Any grading work proposed for the site shall conform to the City's Grading Ordinance.
- E-2. The applicant shall not augment the existing surface runoff from the site in conjunction with the proposed development. The applicant shall submit a drainage study to evaluate the existing and post development storm surface runoff from the site to adequately address the disposition of the surface water runoff.
- E-3. The project plans shall identify Best Management Practices appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. These Practices shall include:
- a) Water all exposed areas at least twice daily during excavation, clearing and grading operations. Additional watering on windy or hot days is required to reduce dust.
 - b) Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage.
 - c) Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed.
 - d) Street sweeping shall be conducted to control dust and dirt tracked from the project site onto Maple Street.
 - e) Install erosion control measures to prevent silt runoff to public roadways and storm drains.
- E-4. The applicant's proposed development shall conform to the City's Urban Storm Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- E-5. The applicant shall provide for an adequate site drainage system, subject to the review and approval of the City Engineer and the Alameda County Flood Control and Water Conservation District.
- E-6. The project plans shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with the regulations outlined in the Association of Bay Area Governments' Erosion and Sediment Control Handbook.